

COMMITTEE ON HUMAN RESOURCES/INSURANCE

May 15, 2001

6:15 PM

Chairman Lopez called the meeting to order.

The Clerk called the roll.

Present: Aldermen Lopez, Sysyn, Shea, Vaillancourt, O'Neil

Messrs: H. Tawney, D. Hodgen, F. Thomas, M. Rockwell

Chairman Lopez addressed Item 3 of the agenda:

Communication from the Director of Public Health, Fred Rusczek, requesting permission to hire a summer intern for the upcoming mosquito season.

Alderman Shea moved to approve the request. Alderman O'Neil duly seconded the motion.

Alderman O'Neil asked with regards to interns do all interns have to come before the HR Committee.

Mr. Tawney answered normally no. This came this way...normally I would just handle this as a temporary employee and as long as the department has the funds we would have approved it.

Chairman Lopez called for a vote on the motion. There being none opposed, the motion carried.

Chairman Lopez addressed Item 4 of the agenda:

Communication from Philip Alexakos, AFSCME Union Steward regarding the disposition of a grievance filed in the Health Department.

Alderman O'Neil stated this letter is old. It seems like things hang around forever. The letter is dated February 15.

Chairman Lopez replied I was very surprised at that because that letter I do remember that Mark Hobson had it and it should have went to the Chief Negotiator and now it is in the hands of the Chief Negotiator and they are going to address it. I have also talked to the staff down there and they have a pretty good system to make sure that the negotiator gets the communications that are going into HR.

On motion of Alderman O'Neil, duly seconded by Alderman Sysyn, it was voted to refer this item to the Chief Negotiator.

Chairman Lopez addressed Item 5 of the agenda:

Communication from the Director of Public Works requesting a reclassification for Highway Department dispatchers.

Alderman O'Neil stated I guess we can look at this one of two ways. We did take a position that any upgrades would not be handled until the new Board but in the case of the dispatchers, I think this is just something that was wrong and they weren't classified properly at the time. I don't think it is them necessarily just looking for an upgrade. I think that is something we can address and look at in my opinion.

Mr. Tawney stated I understand your position on this, but they had expressed it at the time and nothing was done and it was not appealed. If you look at the separation between the dispatchers at Police, there is a disparity between the two and that could be addressed as far as if you open it to this one I think you are going to open it to others.

Mr. Hodgen stated with regard to the dispatchers, I don't believe that is a negotiable item but would be within the purview of the Board. Frankly, I would defer to the Public Works Director on that matter.

Alderman O'Neil replied my point is I think we did reach an agreement that if it was just an upgrade where somebody says I don't think I am at the right grade then we wouldn't do anything. My understanding after reading this and talking with some of the employees is during the Yarger Decker process they might not have been placed in the proper position and it might not have been interpreted right by Yarger Decker and I think there is a difference between an upgrade and correcting what may have been a mistake during the Yarger Decker study.

Chairman Lopez responded I agree with you and I think that what the recommendation is, if I am reading it correctly, is for it to go back to the Highway Department. Would you like to comment, Frank?

Mr. Thomas stated yes. I just want to follow-up. This position that was defined by Yarger Decker was appealed and I believe the appeal was denied. I think what is happening here is we are back here again asking for reconsideration on it. When it was originally denied, I think there was a one-year waiting period and since then I think that has escalated until July 2002. Our position back then was that or the position that Yarger Decker took was that these dispatchers should be a grade lower than the Police dispatchers because the Police dispatchers deal with 911 calls. Our position was that they may not deal with 911 calls, but they do not have a supervisor over their shoulder assisting them in making decisions. They are making decisions...a citizen calls up in the middle of the night and says that there is a cave-in, they have to decide what personnel to call in to address that safety issue. A dispatcher at the Highway Department actually can call in up to three snow plows to address icing problems or different types of conditions that develop. I think, quite frankly, that Decker did make a mistake and I think that the appeals process didn't address this properly. We are here now to ask for reconsideration of the appeal that was denied. As I mentioned, at that time there was only a year moratorium where you had to kind of wait before you came back and obviously this Committee or somewhere along the line that was extended to July 2002 and quite frankly that is why we are here.

Chairman Lopez stated the recommendation is that this go back to the Highway Department and you will make a reclassification in 2002 in accordance with this Committee. The Committee has already made the decision that the appeals will come back in 2002 because there are a lot of others that are in the same category. I think there are over 100. Unless this Committee wants to make an exception, we previously voted that 2002 would be the date for reclassifications to come back.

Alderman O'Neil stated I just want to make a point. Again, I think we went with 2002 because we were just getting requests like I don't think I am at the right grade. What I am reading here and to be honest with you I don't remember seeing this before. Maybe we did before when we were seeing all kinds of appeals but what I read here is the position of the Highway Department is that they were not placed in the correct grade at the time and it was a misinterpretation of where there position should be by the consultant. I think that is different than just an employee saying I should be upgraded and I think that is why we put the moratorium. In my opinion, we are correcting a wrong with this.

Chairman Lopez asked what problem would you have if we were to address this problem now Howard and David.

Mr. Tawney answered I think if you make the exception here you will be inundated by other people saying me too, you know my situation was I was turned down and that was an error and you should reconsider. It is up to you what you want to do but that is what I have observed happening in all kinds of other situations where the Board takes an action and other employees look at that action and say gee if it was right for him it is right for me.

Mr. Hodgen stated I feel basically the same way. The danger is that if you make an exception to the July 2002 date, you are probably going to get an awful lot of other requests and either you will have to tell them all yes or you will have to tell some of them no.

Chairman Lopez asked Mr. Muller for his opinion.

Mr. Muller answered basically from a policy standpoint what they said is correct. There is that danger if you do create an exception to the rule. In all likelihood you could see other people follow with similar requests.

Alderman Vaillancourt moved to return this request to the Highway Department and have them resubmit it in July of 2002. Alderman Shea duly seconded the motion. Chairman Lopez called for a vote. The motion carried with Aldermen O'Neil and Sysyn being duly recorded in opposition.

Chairman Lopez stated I am going to have go along with this for the simple reason that other employees are going to come here and before 2002 we could be inundated with a lot more. I think that there is plenty of time to work on the reclassification.

Alderman O'Neil asked could we get a list from the Human Resource Director of changes we have made since we adopted Yarger Decker because we have made them. We have made them in the Highway Department. We changed the grade of the Airport Director. We have made changes since we adopted Yarger Decker and there are probably more. Could we get a complete list of any changes in grade since the day we adopted Yarger Decker?

Mr. Tawney answered yes.

Alderman Sysyn asked with the TQM Committee be looking at these appeals.

Chairman Lopez answered I don't think they are addressing the reclassification. I think that when I came on the Board there were 119 remaining and we made that decision about 2002. I presume in 2002 we are going to have 119 or more for reclassification and the information is available from the ones we turned back and it is unfortunate but I have to go along with this. Mr. Tawney, please provide the information for Alderman O'Neil.

Mr. Tawney asked do you want to know what we have addressed since we adopted the policy of 2002.

Alderman O'Neil answered that would be fine.

Chairman Lopez addressed Item 6 of the agenda:

Communication from former HR Analyst, Hugh Moran, to Joanne Marks of the School Personnel Department regarding Richard McDonough.

Alderman Vaillancourt moved to receive and file this item. Alderman Sysyn duly seconded the motion.

Alderman O'Neil stated most of the time involved here was not when he worked for the School Department, but when he worked for the City of Manchester as a custodian. I was made aware of this situation...he separated from the City not by his own doing. He got laid off. He was rehired at a time later and to the best of my knowledge did not take his pension. I would like to see us try to work this out if there is anything to be worked out. I don't know that there can be. I would like to see us bring in at the next meeting somebody from the School District and somebody from the Retirement Board to see if there is a way to work this out.

Mr. Tawney stated I can talk directly with the School District as far as seeing about how they treat this individual and if there is anything to be done. They are independent and I don't know what we can do for this individual. It is the School Board's decision I think.

Chairman Lopez replied I think that Alderman O'Neil is asking that it be looked at that way and maybe coordinate with the School Department and see if there has been an injustice done and maybe collectively between the School Department and the City we can rectify it.

Alderman O'Neil stated and the Retirement System. The School District isn't responsible for the Retirement System.

Mr. Tawney replied that is correct. The Retirement System is independent of both the School Board and ourselves and I have no problem talking with them.

Alderman O'Neil responded and the City contributes to the retirement system.

Mr. Tawney stated I understand that.

Alderman O'Neil stated so it is not exclusively a School Board issue.

Chairman Lopez called for a vote on the motion. The motion carried with Alderman O'Neil being duly recorded in opposition.

Chairman Lopez addressed Item 7 of the agenda:

Communication from Mr. Eric Isenburg regarding his rate of pay resulting from his voluntary demotion in December 1999.

Chairman Lopez stated I have been contacted and said that I would let the people speak if the Committee would indulge me for just for a few minutes. I will let Howard speak first and then David if you want to come back up and then we will have the union representatives speak.

Mr. Tawney stated Mr. Isenburg's complaint pre-dates Decker or anything like that and basically he was handled as the union employees were handled at that time and it was the procedure as we had done all along for the union employees. Again, if we make an exception for this individual and apply these grounds for the ordinance as he desires, again you are going to open it up to anybody who ever took a downgrade I think. I will let David speak to this in greater detail.

Mr. Hodgen stated as I think you may know from the background information, this complaint goes back to December 1999. That was prior to the time that we reached agreement with AFSCME and adopted the Yarger Decker Study for the members of that bargaining unit. We have never had a grievance from AFSCME on behalf of Mr. Isenburg or on behalf of any other AFSCME bargaining unit member and they have all been treated the same way as Mr. Isenburg has been treated for years. I don't believe there is any exception in that bargaining unit. We have always treated them that way and at this point we have amended the ordinance so that we will not only treat AFSCME and the other bargaining units that way, but even the non-affiliated employee. I think the Board may have a copy of the computations that show the cost if this request was granted for Mr. Isenburg. As you will see it is approximately \$1,530 in back wages that would be due to him. In conversations with Bob Lynch, one of the business service officers at the Highway Department, he tells me that there are dozens of employees that have taken voluntary demotions in the Highway Department as Mr. Isenburg did. Now from the standpoint of the Chief Negotiator, I am concerned that there is a grievance procedure in the contract that requires people to file a grievance within a set number of days. If we start making these kinds of exceptions so that grievances can be filed two and three years after the incident that took place, I think that the whole situation would be completely out of control and I don't think we would be able to put the genie back in the bottle. It also goes to the problem of whether the ordinances apply to the bargaining units or not. As you know, I have taken the position before that they do not unless that is clear under the language of the contract. I think that the practice in the Highway Department is clear. We

never applied that ordinance to any bargaining unit member there in all of the years that that ordinance was on the books and we should not do that now.

Mr. Rockwell stated what David said is true. It has never been applied to a bargaining unit member because of our contract but just recently there was a problem with this issue at the Water Works and they came before your Committee and you did apply this ordinance for those bargaining units members which have a contract the same as AFSCME does. Therefore, this brought this forward from Mr. Isenburg to come forward to go for the ordinance that you applied to other bargaining unit members that have contracts.

Chairman Lopez asked Howard is that true.

Mr. Tawney answered yes we did. You made an exception and we had recommended that you not do that and you went ahead and did it anyway.

Chairman Lopez asked that was during the Decker program right.

Mr. Tawney answered that is when the ordinance read differently at that time. We had changed it to make them all the same. Now it was not in the Water Works contract either and you had said that you wanted the ordinance to apply to the Water Works bargaining unit staff and you made that exception.

Chairman Lopez asked this is the same situation.

Mr. Tawney answered yes.

Alderman Vaillancourt stated this is what happens when you start making exceptions. I am sure I voted against it then and I think it is time to put a stop to these and I would move that we receive and file this. Alderman Shea duly seconded the motion.

Chairman Lopez stated, David, if I recollect the reduction was with the Decker program not before the Decker program. Am I wrong?

Mr. Hodgen replied I hate to say that you were wrong but there was an ordinance on the books prior to the Decker amendment. With this particular ordinance, the only thing that the Decker study changed was the reference to the Personnel Director and changed that to Human Resources Director and the reference to the Human Resources and Insurance Committee, which was previously called the Personnel Committee. Other than that, the ordinance is the same now as it was then. We, as I say, we have never applied that ordinance at any time to any members of this bargaining unit but essentially the language really has not changed for the ordinance.

Chairman Lopez asked so we would be within our rights to approve this.

Mr. Hodgen answered frankly the Board can do as it desires.

Chairman Lopez asked are there a lot more people out there in this category.

Mr. Hodgen answered I am told by the Highway Department that they have many, many people with this situation and the other difficulty is if we would go back three years in Mr. Isenburg's case what is the limit as to the number of years that we would go back in these instances.

Chairman Lopez asked Frank Thomas to come forward.

Mr. Thomas stated I think that David is right. We have a lot of similar situations in the Highway Department. Typically when an employee transfers or wants to move into another division a lot of times they will take a lower position just to get into an area that may provide more upward mobility. Quite frankly, there is a sizable number of people in the Highway Department who would be potentially affected by this type of ruling.

Chairman Lopez asked we don't know though how many people would be involved correct. Wouldn't that be a good piece of information for this Committee to have before we make a decision?

Mr. Thomas answered I think David asked how many years should we be going back to get you this information. Normally a person comes in to the Highway Department on the back of a truck. Prior to Decker that was a Laborer II. They normally then took a downgrade to a Laborer I to get out of the refuse division so that they could move their way up into the highway area. Quite possibly if we research back there is a potential that 90% of all of the employees sometime along the line took a slight downgrade in order to move up but we can obviously research that information. We didn't come prepared with that tonight though.

Chairman Lopez asked the Committee if they would be willing to table this item until we get all of the information.

Alderman Vaillancourt answered no. I made the motion and it was seconded. I don't know if you accepted it but I don't need the information. I wouldn't object to having it but my motion is regardless of the information.

Alderman O'Neil moved to table this item. Alderman Sysyn duly seconded the motion. Chairman Lopez called for a vote. The motion carried with Aldermen Vaillancourt and Shea being duly recorded in opposition.

Chairman Lopez addressed Item 8 of the agenda:

Ordinance amendment:

“Amending Sections 33.024, 33.025 and 33.026 (Recreation Specialist I, Recreation Specialist II) of the Code of Ordinances of the City of Manchester.”

Mr. Tawney stated we are just changing this from Fun in the Sun because that is a limited program. By making it a Recreation Specialist I and II it opens it up to assigning other people to different programs.

On motion of Alderman Sysyn, duly seconded by Alderman O'Neil, it was voted to approve this ordinance.

Chairman Lopez addressed Item 9 of the agenda:

Resolution and plan documents for the City of Manchester's Flexible Benefit Plan.

Chairman Lopez stated basically this plan increases the limits on the healthcare reimbursement plan from \$750 to \$1,500. Are there any questions?

On motion of Alderman O'Neil, duly seconded by Alderman Shea, it was voted to adopt this plan.

Chairman Lopez addressed Item 10 of the agenda:

New hire/termination reports submitted by the Acting HR Director for informational purposes.

On motion of Alderman O'Neil, duly seconded by Alderman Sysyn, it was voted to receive and file these reports.

Chairman Lopez addressed Item 11 of the agenda:

2000 Turnover report submitted by the Acting HR Director for informational purposes.

On motion of Alderman Sysyn, duly seconded by Alderman Shea, it was voted to receive and file this item.

Chairman Lopez addressed Item 12 of the agenda:

Communication from Diane Symonds, Vice President of Northern General Services of NH, L.L.C. following-up on information requests from the March 28 HR meeting.

On motion of Alderman O'Neil, duly seconded Alderman O'Neil, it was voted to receive and file this item.

Alderman O'Neil stated I still believe we have problems with workman's compensation. I am glad to see that they cleaned up the flowchart because that was about as confusing as anything I have seen in City government but the system isn't perfect and we have to work hard to make it better for the employees of this City.

Chairman Lopez stated there is an item that I want to bring to your attention that will be on the next agenda. It is a letter that the Chief of Police has given to me which is a denial of sick leave pay for Ms. Fowler. That will be on our next agenda as soon as we get the right information.

TABLED ITEMS

13. Communication from Chief of Police regarding transfer of juvenile court prosecutor's responsibilities from the Police Department to the City Solicitor's Office.

Chairman Lopez stated the document that you received tonight was a previous document that was requested and not in the packet at the last meeting. They are not ready to come and make a presentation yet.

This item remained on the table.

14. Communication from Alderman Lopez advising of previous actions relative to ordinance amendments submitted by the Mayor, and requesting the Board allow the Committee on Human Resources/Insurance to review the administrative and financial functions of the city with an eye towards improving the organizational structure and efficiency of these operations and associated internal controls with a recommendation to be brought forward to the full Board.
(Tabled 1/16/01)

This item remained on the table.

15. Ordinance Amendments:

"Amending 33.076 (Special Leave) of the Code of Ordinances of the City of Manchester."

Providing for amendment to Section D as follows:

"In addition to other leaves authorized by this subchapter, a department head and/or the Human Resources Director with the approval of the Mayor, may authorize an employee to be placed on administrative leave with or without pay in the interest of the City, for a period or periods not to exceed twenty work days in any calendar year."

"Amending Section 33.076 (Special Leave) of the Code of Ordinances of the City of Manchester."

Providing for amendment to Section D as follows:

"The Human Resources Director may recommend to the Mayor for his approval up to twenty (20) days of administrative leave, for employees, for purposes that are beneficial to the City. Such leave is chargeable to the employee's department."

"Amending Section 33.048 (Advancements within Pay Range) of the Code of Ordinances of the City of Manchester."

(Tabled 01/16/01)

This item remained on the table.

There being no further business, on motion of Alderman Shea, duly seconded by Alderman Vaillancourt, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee